

*a*  
*and*

39. (Once amended) An isolated DNA encoding an NGSP polypeptide which comprises a nucleotide sequence that hybridizes under high stringency conditions to the sequence of SEQ ID NOS:1, 2, 3, 5 or [7] 8, or the complement thereof.

40. (Once amended) An isolated DNA which comprises a nucleotide sequence that hybridizes under high stringency conditions to the sequence of SEQ ID NOS:1, 2, 3, 5 or [7] 8, or the complement thereof.

---

**REMARKS**

Claims 38-40 are amended to correct an inadvertent error and to be consistent with the Sequence Listing originally filed with this application. No new matter is added.

Restriction to one of the following has been required under 35 U.S.C. § 121:

Group I. Claims 5, 6, 8, and 9, drawn to an NGSP polypeptide having the sequence comprising SEQ ID NO: 4, and a fragment thereof;

Group II. Claims 5, 6, 8, and 9, drawn to an NGSP polypeptide having the sequence comprising SEQ ID NO: 6, and a fragment thereof;

Group III. Claims 5, 6, 8 and 9, drawn to an NGSP polypeptide having the sequence comprising SEQ ID NO: 8, and a fragment thereof;

Group IV. Claims 11 and 12, drawn to an antibody that specifically binds the NGSP polypeptide comprising a sequence of SEQ ID NO: 4 or a fragment thereof;

Group V. Claims 11 and 12, drawn to an antibody that specifically binds the NGSP polypeptide comprising a sequence of SEQ ID NO: 6 or a fragment thereof;

Group VI. Claims 11 and 12, drawn to an antibody that specifically binds the NGSP polypeptide comprising a sequence of SEQ ID NO: 8 or a fragment thereof;

Group VII. Claims 38, 39, and 40, drawn to an isolated DNA having SEQ ID NO: 1, a fragment or complement thereof;

Group VIII. Claims 38, 39, and 40, drawn to an isolated DNA having SEQ ID NO: 2, a fragment or complement thereof;

Group IX. Claims 38, 39, and 40, drawn to an isolated DNA having SEQ ID NO: 3, a fragment or complement thereof;

Group X. Claims 38, 39, and 40, drawn to an isolated DNA having SEQ ID NO: 5, a fragment or complement thereof;

Group XI. Claims 38, 39, and 40, drawn to an isolated DNA having SEQ ID NO: 7, a fragment or complement thereof;

Group XII. Claims 42 and 43 drawn to a method of producing an immune response comprising immunizing an animal with the NGSP polypeptide having a SEQ ID NO: 4 or a fragment thereof;

Group XIII. Claims 42 and 43 drawn to a method of producing an immune response comprising immunizing an animal with the NGSP polypeptide having a SEQ ID NO: 6 or a fragment thereof;

Group XIV. Claims 42 and 43 drawn to a method of producing an immune response comprising immunizing an animal with the NGSP polypeptide having a SEQ ID NO: 8 or a fragment thereof;

Group XV. Claim 44, drawn to a plasmid;

Group XVI. Claim 45, drawn to an antagonist;

Group XVII. Claim 46, drawn to a method for identifying compounds which interact with the NGSP polypeptide having the sequence comprising SEQ ID NO: 4, and a fragment thereof;

Group XVIII. Claim 46, drawn to a method for identifying compounds which interact with the NGSP polypeptide having the sequence comprising SEQ ID NO: 6, and a fragment thereof;

Group XIX. Claim 46, drawn to a method for identifying compounds which interact with the NGSP polypeptide having the sequence comprising SEQ ID NO: 8, and a fragment thereof; and

Group XX. Claim 47 drawn to a method for identifying an agent that is useful as a diagnostic, prophylactic or therapeutic agent against *Neisseria* infection comprising contacting a cell.

Claims 1-4, 7, 14-21, 22-27 and 28-35 are linking claims and will be joined with one of inventions I, II and III, if elected.

Claims 10, 13 and 36 are linking claims and will be joined with one of inventions IV, V and VI, if elected.

Claims 37 and 41 are linking claims and would be joined with one of inventions VII, VIII, IX, X and XI, if elected.

Further, claim 3 is stated to be generic to distinct species of *N. ovis*, *N. lacunata*, *N. osloensis*, *N. bovis* and *N. gonorrhoeae*; a single species must be elected if Group I, II or III is elected.

Applicants do not agree and traverse the requirement for restriction with respect to separation of Groups VII-XI. They do not traverse on the grounds that the inventions are not distinct but rather they point out that search of Sequence ID No. 3 (Group IX) would inherently and necessarily encompass search of Sequence ID Nos. 1, 2, 5 and 8 as well since these latter sequences are contained within Sequence ID No. 3.

Accordingly, it is respectfully requested, that the restriction requirement be amended so that Groups VII-XI are re-joined into a single Group and examined in this application since searching all these groups would not be overly burdensome.

It is requested that claims 37-41 be examined in this application.

In order to be fully responsive to the Office Action, attorneys for Applicants elect, with traverse, to prosecute Group 1X, claims 38-40 directed to DNA having Sequence ID. No. 3 as well as linking claims 37 and 41. All rights to prosecute non-elected subject matter are fully reserved.

Examiner's attention is directed to an Information Disclosure Statement with PTO Form 1449 listing References AA-AD and a Supplemental Information Disclosure Statement with PTO Form 1449 listing References AE-AG, submitted on April 11, 2000 and April 14, 2000. It is requested all cited references be made of record in this application file.

Respectfully submitted,

Date September 5, 2000

  
Geraldine F. Baldwin 31,232  
(Reg. No.)

**PENNIE & EDMONDS LLP**  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090

Enclosures